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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6181 of 1988

Hon'ble MR.JUSTICE Y.B.BHATT

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ARVIND GOVINDLAL SHAH

Versus

BARODA CENTRAL CO-OP. BANK LTD

Appearance:

MR TR MISHRA for Petitioner

MR DEPAK PATEL for MR VB PATEL for Respondent

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 22/02/2000

ORAL JUDGEMENT

1. This is a petition under Article 227 of the
Constitution of India though styled as one under Articles
226 and 227 of the Constitution of India.

2. The background of the present petition in brief is that the workman had filed "T" Application No.4/82 in the Labour Court at Baroda under section 79 of the Bombay Industrial Relations Act, for reinstatement with full backwages. The Labour Court, after appreciating the entire evidentiary material on record, found that the workman is not able to prove his case for reinstatement, nor for full backwages. However, the Labour Court found that he is entitled to wages and all other service benefits in respect of the period from 5th April 1977 to 17th December 1982.

3. The workman as also the employer were aggrieved by the said award and ultimately two appeals came to be filed before the Industrial Court, Baroda being Appeal Nos.(IC) 6 and 7 of 1986. The Industrial Court found, on the facts and the evidentiary material on record, that no reinstatement could be directed, and also found that there is no justification for payment of wages and other benefits to the workman in respect of the specified period viz. 5th April 1977 to 17th December 1982.

4. When this petition was called out for hearing, I have heard the learned counsel for the respective parties on all material aspects of the matter. However, as a result of the hearing and discussion a consensus has been arrived at between the learned counsel in the presence of the petitioner who is present in court, on the basis of which an amicable solution was attempted. Mr. Deepak Patel for the respondent employer, after due consultation with his client, informed the court that the respondent bank is willing to make a lump-sum payment in full and final settlement of all the claims put up by the petitioner. Ultimately a consensus has been arrived at between the learned counsel on the basis of which they state that the quantum of this lump-sum payment to be made by the respondent bank to the petitioner is left to the court.

5. After due consideration to all the relevant factors, I am of the opinion that ends of justice will be served by directing the respondent bank to pay to the petitioner a sum of Rs.55000/- in full and final settlement of all the claims of the petitioner against the respondent bank. It is accordingly so directed. This payment shall be made not later than 31st March 2000.

6. This petition is accordingly disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

